UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,686	04/24/2007	David E. Evans	GB920030049US1	8184

61136   7590   08/27/2010
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EXAMINER
UNELUS, ERNEST

ART UNIT	PAPER NUMBER
2181	

NOTIFICATION DATE	DELIVERY MODE
08/27/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

tmunoz@hamiltonterrile.com

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>07 April 2010</u>.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
    closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-6 and 8-12</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-6 and 8-12</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on <u>24 April 2007</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
        application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

RESPONSE TO AMENDMENT

Claim rejections based on prior art

In view of the pre-brief conference request filed on 04/07/2010, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below. All previous rejections not contained in this action have been withdrawn hereto by the Examiner.

INFORMATION CONCERNING OATH/DECLARATION

Oath/Declaration

1.   The applicant's oath/declaration has been reviewed by the examiner and is found to conform to the requirements prescribed in **37 C.F.R. 1.63.**

INFORMATION CONCERNING DRAWINGS

Drawings

2.   The applicant's drawings submitted are acceptable for examination purposes.

REJECTIONS BASED ON PRIOR ART

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-6 and 8-12,** are rejected under 35 U.S.C. 102(b) as being anticipated by Bird et al. (US pat. 6,323,884).

5. As per **claims 1, 6, and 8**, Bird discloses a method of operating an application program **(application programs 30, as discloses in col. 4, lines 29-43)** having a graphical user interface **(GUI) (GUI, as discloses in col. 4, lines 29-43)**, the method including the steps of:

Predicting a next user input to the GUI **(see col. 5, lines 47-52, which discloses, "If certain conditions are met following receipt of the query result from the application program, the service component performs a prediction of which GUI element will be the next GUI element to be interacted with by the user and controls the input device pointer driver to move the pointer to the GUI position of that GUI element")**;

pending receipt of the next user input, executing a preparation portion of GUI code that provides the GUI function required by the predicted user input **(see col. 6, lines 29-32)**; and

determining whether the predicted user input corresponds to the actual next user input and, on a positive determination, processing an activation portion of said GUI code to complete the required GUI function **(see col. 9, lines 15-22)**.

6. As per **claims 2 and 9,** Bird discloses "A method as claimed in claim 1," **[See rejection to claim 1 above]**, including the further step of: maintaining a history of user inputs to the GUI **(see col. 4, lines 63-67)**; wherein the step of predicting the next user input at a particular GUI

state is based on an analysis of the history of previous user inputs at the particular GUI state **(see
col. 5, lines 8-20)**.

7.   As per **claims 3 and 10,** Bird discloses including the further step of maintaining a history

of user inputs to the GUI at each GUI state, the step of predicting the next user input at a

particular GUI state comprising the step of determining whether to base the prediction on the

maintained history or on a record of recent user inputs to the GUI **(see col. 7, lines 37-50)**.

8.   As per **claims 4 and 11,** Bird discloses wherein the prediction step comprises predicting

a potential sequence of user inputs and the execution step comprises executing a preparation

portion of GUI code for each of the user inputs of the predicted sequence **(see col. 3, lines 35-
45)**.

9.   As per **claims 5 and 12,** Bird discloses wherein the prediction step comprises predicting

a plurality of alternative potential user inputs and the execution step comprises executing a

preparation portion of GUI code for each of the alternative user inputs **(see col. 2, lines 34-44)**.

RELEVANT ART CITED BY THE EXAMINER

        The following prior art made of record and not relied upon is cited to establish the level

of skill in the applicant's art and those arts considered reasonably pertinent to applicant's

disclosure. See **MPEP 707.05(c)**.

The following reference teaches a method of operating an application program having a graphical user interface (GUI).

U.S. PATENT NUMBER

US 6,219,723

CLOSING COMMENTS

Conclusion

a. **STATUS OF CLAIMS IN THE APPLICATION**

The following is a summary of the treatment and status of all claims in the application as recommended by **M.P.E.P. 707.07(i)**:

a(1) **CLAIMS REJECTED IN THE APPLICATION**

Per the instant office action, claims 1-6 and 8-12 have received a first action on the merits and are subject of a first action non-final.

DIRECTION OF FUTURE CORRESPONDENCES

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernest Unelus whose telephone number is (571) 272-8596. The examiner can normally be reached on Monday to Friday 9:00 AM to 5:00 PM.

IMPORTANT NOTE

If attempts to reach the above noted Examiner by telephone are unsuccessful, the Examiner's supervisor, Mr. Alford Kindred, can be reached at the following telephone number: Area Code (571) 272-4037.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be

obtained from the Patent Application Information Retrieval (PAIR) system. Status

information for published applications may be obtained from either Private PAIR or

Public PAIR. Status information for unpublished applications is available through Private

PAIR only. For more information about the PMR system, see her//pair-direct.uspto.gov.

Should you have questions on access to the Private PAIR system, contact the

Electronic Business Center (EBC) at 866-217- 91 97 (toll-free).

/Alford W. Kindred/   Ernest Unelus
Supervisory Patent Examiner, Art Unit 2181   Patent Examiner
August 20, 2010   Art Unit 2181
/E. U./

Examiner, Art Unit 2181